

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
                                 ) Case No. 1:18-cr-41  
v. )  
                                 ) Judge Travis R. McDonough  
WILLIE GARTH )  
                                 ) Magistrate Judge Christopher H. Steger  
                                 )

---

**ORDER**

---

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 25] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count Two of the five count Indictment; (2) accept Defendant's guilty plea as to Count Two of the five count Indictment; (3) adjudicate Defendant guilty of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C); and (4) order that Defendant remain in custody until sentencing in this matter or further order of this Court.

Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 25] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count Two of the five count Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count Two of the five count Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C); and
4. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **March 8, 2019, at 9:00 a.m.** before the undersigned, or until further order of this Court.

**SO ORDERED.**

*/s/Travis R. McDonough*  
**TRAVIS R. MCDONOUGH**  
**UNITED STATES DISTRICT JUDGE**